

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

DIVISION OF ENVIRONMENTAL QUALITY

Southwest Regional Office

2040 W. Woodland, Springfield, MO 65807

(417)891-4300

FAX (417)891-4399

April 15, 1998

Mr. Jerry Penner, Sr.  
2728 N. Franklin  
Springfield, MO 65803

Dear Mr. Penner:

This letter is in response to the recent complaint you filed with this office concerning the disposal of pharmaceutical wastes from McQueary Brothers Drug Company in Springfield, Missouri. As previously indicated to you, the disposal of outdated medications into either the sanitary sewers or the landfill is not regulated provided that specific medications which may be listed in the regulations are disposed as hazardous.

A joint inspection was conducted with the city of Springfield's Sanitary Services Department to examine the facility's disposal methods for outdated pharmaceuticals. Representatives of McQueary Brothers Drug Company indicated that while past practices included the placement of wastes into the sewer system, the majority of wastes were currently disposed through Capital Returns, Inc., a facility licensed to accept and dispose of waste pharmaceuticals. Small amounts of wastes, which are not considered hazardous and therefore not accepted by Capital Returns, are still disposed by the facility into either the solid waste stream or sanitary sewers. This practice is allowable under regulation according to research on the subject.

As personnel protection during disposal activities is not regulated by environmental agencies, that aspect of your complaint was not investigated. The agency with jurisdiction in that matter will be the Occupational Safety and Health Administration.

Should you have any questions regarding the findings of our investigation, please advise.

Sincerely,

SOUTHWEST REGIONAL OFFICE



Mark Rader  
Environmental Specialist

C: Gene Pabst, City of Springfield  
Kathy Flippin, HWP  
Jim Gross, SWRO



500 W. OLIVE

## Public Works Department

Surveillance Enforcement and Billing  
Sewer Maintenance  
1216 W. Nichols  
Springfield, MO 65802

Phone: 417/864-1923  
Fax: 417/864-1918



Date: 4-16-98 Fax #: 891-4399  
To: Mark Rader  
From: Gene Pabst  
Message: Copy of Memo About McQueary Bros.  
Inspection  
Pages to follow: 1

I N T E R

O F F I C E

# MEMO

**To:** FILE - McQUEARY BROTHERS DRUG COMPANY  
**From:** Gene Pabst  
**Subject:** Investigation of Complaint of Waste Pharmaceuticals Disposal into the Sanitary Sewer.  
**Date:** April 16, 1998

On April 15, 1998 (1:00 P.M.) Mark Rader, Mo. Dept. Of Natural Resource, and myself went to McQueary Brothers Drug Company to investigate a complaint of waste pharmaceuticals being disposed of into the sanitary sewer. This complaint was received at the local DNR office. We talked to Bill McQueary, Tim Garten (warehouse manager) and Louise Rook. They explained that they do not dispose of anything down the sanitary sewer. They have not done so in two years. Any type of pharmaceutical that might need to be disposed of is either sent back to the manufacturer or is shipped to Capital Returns, 4066 N. Port Washington, Milwaukee, WI, 53212 (Telephone No. 1-800-950-5479) for disposal. If they break anything in their warehouse: 1) If it is a liquid, then the floor is wet mopped; or 2) If it is a dry material, the glass is placed in the dumpster and the product is shipped to Capital Returns. If they would have any kind of nonhazardous material that needs to be disposed of, they would first try to ship it to Capital Returns. If Capital Returns won't take it, if it is a solid it is placed in their dumpster. If the material is a liquid then it would be discharged it into the sanitary sewer. They only thing that they could think of that they would place in the sanitary might be hydrogen peroxide. Their normal procedure is to ship everything back to the manufacturer or to Capital Returns. They do not like to place anything into their dumpster or dispose of it into the sanitary sewer.

cc: Randy Lyman, Pretreatment Coordinator  
Steve Short, Solid Waste  
Mark Rader, Missouri Department of Natural Resources

FAXED TO MARK RADER  
4-16-98, 10:50 A.M.  
JSP.

500 W. OLIVE

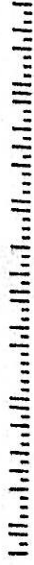


STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES  
SOUTHWEST REGIONAL OFFICE  
2040 W WOODLAND  
SPRINGFIELD MO 65807-5912



Mr. Randy Lymon  
City of Springfield  
Sanitary Services  
840 Boonville  
Springfield, MO 65802

658024322







Public Works Department  
Sanitary Services Division  
Industrial Pretreatment Section  
Complaint/Report Form

Date

Report From:

☒ Citizen ?

☐ Public Information Office

☐ Health Department

☐ Fire Department

☒ Mo. Dept. Of Natural Resources

☐ Other

Received By: R. LYMAN

Referred To: 4/8/98

Date of Incident: LAST YEAR OR 2

MARK RADER - 891-4326

Complainant Information:

Name FORMER EMPLOYEE

Address

Phone

Responsible Party Information:

Name MC QUERRY BROS. DRUG CO.

Address 500 W. OLIVE

Phone 864-2577

Directions(if needed):

Possible contamination of: ☒ sanitary sewer ☐ storm drainage ☐ groundwater

☐ surface water Location: 500 W. OLIVE

Other pertinent information:

Who to contact:

☒ Mo. Dept. of Natural Resources 417-891-4300(Regional Office) ☐ City/Greene Co. Health Dept. 864-1664

☐ Mo. Dept. of Natural Resources 573-634-2436(Emergencies only) ☐ City Sewer Cleaning 864-1923

☐ Mo. Dept. of Natural Resources 573-751-7929(Response office) ☐ City Sewer Repair 864-1923

☐ U.S. Environmental Protection Agency 913-236-3778 ☐ City Street Division 864-1965

☐ City Fire Department 864-1500

☐ Chemtree 1-800-424-9300

☐ City Police Department 864-1708

☐ National Response Center 1-800-424-8802

☐ City Utilities 831-8311

☐ Other

Details of Incident:

FORMER EMPLOYEE CALLED DNR  
AND SAID MC QUERRY DUMPS OLD MEDICINES IN TRASH  
AND PUSHES LIQUIDS TO SANITARY SEWER.

Action needed:

VISIT MC QUERRY BROS. REGARDING  
COMPLAINT AND INFORM THEM OF LOCAL  
LIMITATIONS AND RESTRICTED DISCHARGES  
TO THE POTW. I.E. TOXICS, FLAMMABLES,  
CAUSING PISSTHROUGH & INTERFERENCE. CALL  
MARK RADER @ DNR WHO WANTS TO  
GO ALONG ON YOUR INSPECTION.

(page 1

File by street address

500 W. OLIVE

C:\MyFiles\COMPFORM.WPD

500 W. OLIVE

STATE OF  
DEPART

han, Governor • David A. Shorr, Director

## URAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

Southwest Regional Office

2040 W. Woodland, Springfield, MO 65807

(417)891-4300

FAX (417)891-4399

April 9, 1998

Mr. Jerry Penner Sr.  
2728 N. Franklin  
Springfield, MO 65803

Dear Mr. Penner:

This letter is in response to your recent complaint concerning the suspected disposal of waste pharmaceuticals from McQueary Brothers Drug Company located in Springfield, Missouri. You indicated that during your employ with the company during 1995 it was standard practice to dispose of outdated and returned pharmaceuticals by either placing into the solid waste disposal receptacle or flushing into the sanitary sewer system. You were concerned that this may be a violation of environmental regulations.

Following receipt of your complaint I have conducted research on the issue and gathered the following information. Inspectors with the Food and Drug Administration and Drug Enforcement Administration do not have guidelines for the destruction of prescription medication. These agencies only mandate that the medication be destroyed to ensure that they are not returned into the marketplace. This is also true for the Missouri Department of Health's Bureau of Narcotics and Dangerous Drugs.

The department's Solid Waste Management Program does not have specific guidelines for prescription medication. The solid waste regulations only regulate these materials as a solid waste which must be disposed into a permitted landfill. The representative for the city of Springfield's landfill indicates that they do accept prescription medications for disposal and that only in special circumstances involving certain narcotics is that disposal monitored. In these instances, representatives of the FDA or DEA will monitor the placement of the drugs into the working face of the landfill.

According to the city of Springfield's Sanitary Services representative, waste pharmaceuticals may be flushed into the sanitary sewer system provided that the quantity is not excessive. This is the preferred disposal method for many types of liquid medications. In response to your concerns, the city will conduct an inspection of McQueary Brothers to ensure that the quantities of waste pharmaceuticals disposed into the sanitary sewer system are not excessive.

The department's Hazardous Waste Program does have a regulation which may apply in the disposal of waste pharmaceuticals. However, this regulation applies to only a very few drugs which are listed in regulation by name and those drugs exempted from regulation if they are being disposed into the sanitary sewer system.

Mr. Jerry Penner, Sr.

April 9, 1998

page two

Based upon the findings of this investigation to date, it would appear that McQueary Brothers is not violating any environmental regulation by disposing of waste pharmaceuticals into either their solid waste disposal dumpster or the sanitary sewer system.

Please note that the city has indicated that they will conduct an inspection of the company and this office will accompany their inspectors during this inspection. The findings of that inspection will be forwarded to you at that time.

Should you have any questions regarding this information, please advise.

Sincerely,

SOUTHWEST REGIONAL OFFICE



Mark Rader

Environmental Specialist

c: Kathy Flippin, HWP  
Steven Wyatt, SWMP  
Randy Lymon, Springfield Sanitary Services



STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**

Mel Carnahan, Governor • David A. Shorr, Director

DIVISION OF ENVIRONMENTAL QUALITY

Southwest Regional Office

2040 W. Woodland, Springfield, MO 65807

(417)891-4300

FAX (417)891-4399

RECEIVED  
APR 10 1998  
SEWER  
OPERATIONS

**MEMORANDUM**

**DATE:** April 3, 1998  
**TO:** Complaint file # 308685  
**FROM:** Mark Rader, Environmental Specialist *MR*  
**SUBJECT:** Notes from phone conversation with Jerry Penner, Sr.

On this date I received a phone complaint from Jerry Penner, Sr. regarding past management practices by McQueary Brothers Drug Company located at 500 W. Olive in Springfield, Missouri. Mr. Penner indicated that during his employ with the company, it was his responsibility to dispose of returned pharmaceutical items. Penner stated that this was done at the direction of his immediate supervisor, Tim Garton, and with the knowledge of the company's owners, Fred and Bill McQueary. These activities occurred during Penner's employment with the company in 1995.

According to Penner, he would accumulate outdated or returned items from local health care facilities and dispose of those items by either flushing down the bathroom drains or into the solid waste dumpster. Solids were separated, labels removed from containers and packaged into boxes which were securely taped and placed into the bottom of the dumpster. Liquids were handled by either breaking the glass bottles into the dumpster itself, or by emptying the contents into the bathroom drains and flushing with large quantities of water. Empty containers had labels removed and were packaged in boxes. These boxes were crushed prior to disposal in the Waste Management dumpster.

Penner indicated that a large portion of the materials he disposed of were regulated pharmaceutical items, the remainder were over the counter type materials. These materials were stored throughout the building in basement rooms and upstairs rooms.

Penner did not realize that these activities may be improper until he left employment with McQueary Brothers and began working at a local hospital. All items disposed by the hospital were treated as medical wastes and were managed with strict controls. Penner does have current lawsuits pending against McQueary for health problems which he attributes to handling of the items. His concern is that these actions may still be occurring. If they are still occurring, it will assist his case regarding exposure to chemicals while employed by McQueary Brothers.

Jerry Penner, Sr. 2728 N. Franklin, Springfield, MO 65803 (417)866-4343.

mr

RECYCLED PAPER

500 W. OLIVE





MISSOURI DEPARTMENT OF  
**HEALTH**

Mel Carnahan  
Governor  
Maureen E. Dempsey, M.D.  
Director

P.O. Box 570, Jefferson City, MO 65102-0570 • 573-751-6400 • FAX 573-751-6010

**FAX TRANSMITTAL SHEET**



**Bureau of Narcotics and Dangerous Drugs**  
Division of Health Standards & Licensure  
(920 Wildwood Drive\*) P.O. Box 570  
Jefferson City, Missouri 65102-0570 (\*65109)

Phone # 573/751-6321 (or 751- ) FAX # 573/526-2569

Date: 4/3/98 Time: \_\_\_\_\_ Pages to Follow: 2

TO: MARK RADAR DNR

Phone #: \_\_\_\_\_ FAX #: \_\_\_\_\_

This facsimile may contain **CONFIDENTIAL** information which also may be legally privileged and which is intended only for the use of the addressee(s) named above. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile may be strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

From: ☐ Dan Crider ☐ Mike Boeger ☐ Sharon Denny  
☐ Bert McClary ☐ Pat Berg ☐ Sylvia Ferguson  
☒ Dave Smallwood ☐ Susan Troxel ☐ Beth Morris  
☐ Dirk Cable

☐ Hard Copy to Follow In Mail

Message: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

500 W. OLIVE



MISSOURI DEPARTMENT OF  
**HEALTH**

Mel Carnahan  
Governor

Maureen E. Dempsey, M.D.  
Director

P.O. Box 570, Jefferson City, MO 65102-0570 • 573-751-6400 • FAX 573-751-6010

## Bureau of Narcotics and Dangerous Drugs

### NOTICE

Effective May 24, 1996, the Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) no longer accepts outdated or unwanted controlled substances for destruction, performs controlled drug destructions in the field or grants authority to self destroy controlled substances. If you were destroying controlled substances under the BNDD's authority, you must now either utilize a federally registered reverse distributor or contact the Drug Enforcement Administration (DEA).

The DEA has registered several facilities nationwide to dispose of controlled drugs. The transfer of controlled drugs to these facilities will be treated as a transfer between a supplier and another controlled substance registrant. The following firms are currently registered by DEA for disposal of controlled drugs:

#### **BFI PHARMACEUTICAL SERVICES**

801 North Blacklawn Road  
PO Box 998  
Conyers GA 30207  
800/777-6565

#### **CAPITAL INVENTORY INC**

9725 Main Street Suite 100  
PO Box 1081  
Woodstock GA 30188  
770/928-7202

#### **CAPITAL RETURNS INC**

9600 West Flagg Avenue  
Milwaukee WI 53225  
800/950-5479

#### **DEVOS LTD**

140 North Belie Mead Road  
Unite 3  
E Setauket NY 11733  
800/473-2138

#### **EASY RETURNS MIDWEST INC**

**DBA REVERSE MANAGEMENT SYSTEMS**  
201 San Augustine Street  
Center TX 75935  
800/738-3773

#### **EASY RETURNS WORLDWIDE**

208 Chesterfield Industrial Blvd.  
Chesterfield MO 63005  
800/729-3279

#### **ENVIRONMENTAL HEALTHCARE INC**

**DBA RETURN LOGISTICS**  
22 Artley Road  
Savannah GA 31408  
912/748-5100

#### **EXP PHARMACEUTICAL WASTE MANAGEMENT**

2516 Radley Court Suite 9  
Hayward CA 94545  
800/350-0397

500 W. OLIVE



**MAXIMUM RX CREDIT INC**  
4765 Stone Mountain Highway  
Suite C  
Lilburn GA 30297  
770/985-2136

**PHARMA LOGISTICS LTD**  
17086 Cunningham Court  
Suite 2B  
Libertyville IL 60048  
847/247-1451

**PHARMACEUTICAL CREDIT CORP**  
130 Seaboard Lane Suite A6  
Franklin TN 37067  
800/487-4308

**PHARMACEUTICAL RECOVERY SERVICES INC**  
5422 Carrier Drive Suites 204 & 205  
Orlando FL 32819  
800/370-2400

**PHARMACEUTICAL RETURNS SERVS INC**  
229 West Grand Ave Suite V  
Bensenville IL 60106  
800/215-5878

**PHARMASERVE INC**  
11426 B Kingston Pike  
Knoxville TN 37922  
423/675-1355

**P S INDUSTRIES INC**  
612 West McGraw Street  
Seattle WA 98119  
202/286-0961

**REVERSE DISTRIBUTION SERVICES LTD**  
4100 Fleetwood Drive  
Fort Worth TX 76155  
800/967-5952

**RX AUTOMATION INC**  
1025 NW 17th Avenue  
Delray Beach FL 33445  
561/274-9090

**RX RETURNS INC**  
1862A Tollgate Road  
Palm PA 18070  
800/627-3887

**SAI TRANSPORT**  
3420 Youngs Ridge Road  
Lakeland FL 33809  
813/858-7110

BNDD does not endorse any particular reverse distribution company. You may also contact either the Kansas City or St. Louis DEA regional office for information concerning disposal of outdated or unwanted controlled substances.

If you have specific questions concerning disposal of controlled substances please contact the DEA office in either Overland Park, KS or St. Louis, MO per the attached map. Regardless of the procedures utilized to dispose of these substances, all federal, state and local regulations for the handling of controlled drugs and for waste disposal must be followed. **Note: No BNDD registrant can destroy controlled drugs themselves without specific written authorization from the DEA!**

If you have any questions regarding this matter, please contact the St. Louis DEA Diversion Group at 314/425-3241, the Kansas City DEA Diversion Group at 913/236-3176 or the Bureau of Narcotics and Dangerous Drugs at 573/751-6321.

Sincerely,

Daniel Crider, R.Ph., Administrator  
Bureau of Narcotics and Dangerous Drugs  
Division of Health Standards and Licensure  
573/751-6321 FAX 573/526-2569

500 W. Olive



Microsoft Mail v3.0 (MAPI 0 Transport) IPM.Microsoft Mail.Note  
From: WYATT STEVEN  
To: GROSS JAMES  
RADER MARK  
Subject: Got any drugs?  
Date: 1998-04-03 14:39  
Priority: R  
Message ID: DA061F60C1CAD111B03E4E5210003935  
Conversation ID: Got any drugs?



-----  
Gentlemen,

I talked to Charlene Fitch about any potential infectious waste issues associated with the expired drugs complaint. The needles are a sharps/infectious waste issue that we should look into. The syringes themselves are not considered an infectious waste after the needle is removed. We do not recommend people do this and OSHA may have regulations against it. If you have any questions on this issue please give Charlene a call.

As far as the other pharmaceuticals, their disposal may be regulated under DEA rules. Within the state agencies, the Department of Health, Bureau of Narcotics and Dangerous Drugs is probably your best bet. Dave Smallwood was the name we were given. He can be reached at (573)751-6321. He may be able to provide you with a list of those licensed to handle expired drugs. It may be best for you to call directly so we don't lose anything in the translation (i.e. type of drug whether it be narcotic, oncological, etc.).

If you need further assistance please give me a call. Also, let us know what you find out. This issue is sure to come up again.

=====

DEA - DOES NOT REGULATE 913-652-9127  
DOH - DOES NOT REGULATE - SAYS EPA HAS SPECIFICS ON DRUGS.  
FDA - Ted Anderson

Ken Coffman State Board of Pharmacy

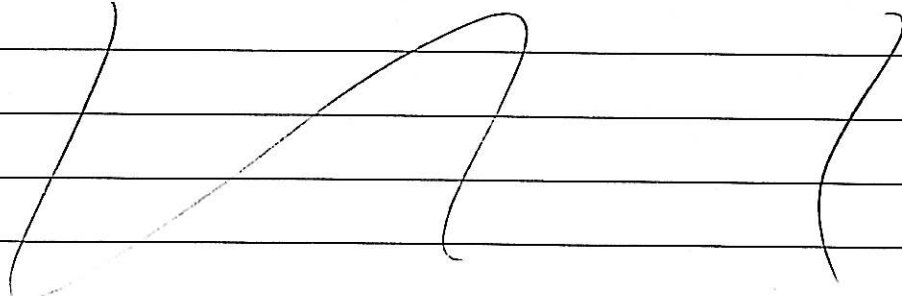
McQuerry Bros inspected regularly

\* sounds like the "hiding" of drugs in dumpster may be more for keeping out of the hands of the public - rather than hiding from the disposal firm \*

500 W. OLIVE



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
TELEPHONE OR CONFERENCE RECORD

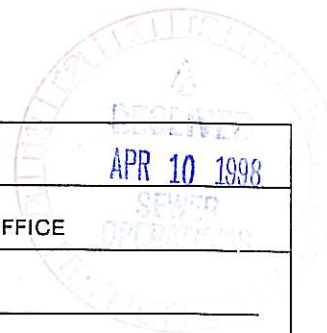
FILE <u>Complaint file 306635</u>		DATE <u>4-8-98</u>	
TELEPHONE ▶	<input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING	CONFERENCE ▶	<input type="checkbox"/> FIELD <input type="checkbox"/> OFFICE
SUBJECT <u>disposal of waste drugs</u>		APR 10 1998	
PERSONS INVOLVED			
NAME <u>Ted Anderson</u>		REPRESENTATIVE <u>FDA</u>	
<u>Mark Radin</u>		<u>MDMR</u>	
SUMMARY OF CONVERSATION			
<u>Ted said that McQuary Bros was</u> <u>inspected regularly and FDA had no</u> <u>problems with waste disposal methods.</u> <u>Only concerns are occasional controlled</u> <u>substance which requires paperwork and</u> <u>verification of <del>dis</del> destruction</u> <u>Rest of drugs can go to trash or to</u> <u>sewer.</u>			
ACTION TAKEN			
			
FINAL RESULTS			
SIGNATURE <u>Mark Radin</u>		DATE <u>4-9-98</u>	







MISSOURI DEPARTMENT OF NATURAL RESOURCES  
TELEPHONE OR CONFERENCE RECORD



FILE Complaint File 308685		DATE 4-6-98	
TELEPHONE ▶	<input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING	CONFERENCE ▶	<input type="checkbox"/> FIELD <input type="checkbox"/> OFFICE
SUBJECT Disposal of Pharmaceuticals at Landfill			
PERSONS INVOLVED			
NAME Steve Short Mark Ren		REPRESENTATIVE Spfld Landfill MDNR	
SUMMARY OF CONVERSATION Steve indicated that they had researched this in the past and that they can accept and do accept drugs for disposal. The only question would be if they are controlled substances, and then FDA may supervise disposal under chain of custody. Recommended talking to Randy Lyman regarding disposal of liquids into sanitary sewers.			
ACTION TAKEN			
FINAL RESULTS			
SIGNATURE Mark Ren		DATE 4-6-98	





MISSOURI DEPARTMENT OF NATURAL RESOURCES  
TELEPHONE OR CONFERENCE RECORD

FILE <u>Complaint file 308685</u>		DATE <u>April 8 1998</u>	
TELEPHONE <input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING	CONFERENCE <input type="checkbox"/> FIELD <input type="checkbox"/> OFFICE		
SUBJECT <u>disposal of waste pharmaceuticals</u>			
PERSONS INVOLVED			
NAME <u>Randy Lyman</u> <u>Mark Rep</u>		REPRESENTATIVE <u>City of Springfield</u> <u>MDNR</u>	
SUMMARY OF CONVERSATION <u>Randy indicated that the city does accept</u> <u>waste pharmaceuticals into the POTW. He says</u> <u>this is the advertised preference for disposal</u> <u>of household drugs and is acceptable from</u> <u>businesses provided quantities are not</u> <u>extremely excessive.</u>			
ACTION TAKEN <u>Randy says they will respect McDermis</u> <u>Bro's and will invite me along</u> <u>does not anticipate any concerns</u>			
FINAL RESULTS <u></u>			
SIGNATURE <u>Mark Rep</u>		DATE <u>4-8-98</u>	



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
TELEPHONE OR CONFERENCE RECORD

FILE <u>Complaint file 308685</u>		DATE <u>4-8-98</u>	
TELEPHONE ▶	<input type="checkbox"/> INCOMING <input checked="" type="checkbox"/> OUTGOING	CONFERENCE ▶	<input type="checkbox"/> FIELD <input type="checkbox"/> OFFICE
SUBJECT <u>disposal of waste pharmaceuticals.</u>			
PERSONS INVOLVED			
NAME		REPRESENTATIVE	
<u>Kathy Flippin</u>		<u>HLR</u>	
<u>Mark Raden</u>		<u>SWRO</u>	
SUMMARY OF CONVERSATION			
<p><u>Kathy indicated that as long as the wastes were going to POTW, with approval, they would not be regulated by RCRA, even if they were PL-listed.</u></p> <p><u>Any solids going to landfill would have to be evaluated for PL-listing. No blanket regulations regarding disposal of waste pharmaceuticals.</u></p>			
ACTION TAKEN			
FINAL RESULTS			
SIGNATURE <u>Mark Raden</u>		DATE <u>4-8-98</u>	